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In the High Court of Judicature at Madras

Dated:10.04.2006

Coram:

The Hon'ble Mr. Justice P. SATHASIVAM
and
The Hon'ble Mr. Justice J.A.K. SAMPATHKUMAR

Habeas Corpus Petition No.52 of 2006

Kannammal

.. Petitioner

vs.

1. State of Tamil Nadu
rep. by Secretary to Government
Prohibition and Excise Department
Fort St. George
Chennai 9.

2. The District Magistrate and
District Collector
Coimbatore District.

.. Respondents

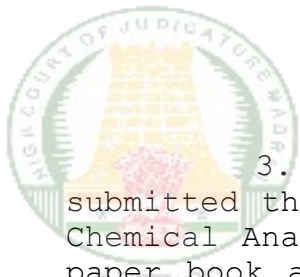
Petition filed under Article 226 of the Constitution of India
praying for issuance of writ of habeas corpus as stated therein.

For petitioner : Mr. P. Venkatasubramaniam
for Mr. C. Ramkumar
For respondents : Mr. Abudukumar Rajarathinam
Govt., Advocate (Crl.)

ORDER

(Order of the Court was made by P. SATHASIVAM,J.,)

The petitioner by name Kannammal, who challenges the impugned order of detention dated 28.12.2005, detaining her son Gopal, as "Bootlegger" under Section 3 (1) of the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders and Slum Grabbers Act, 1982 (in short "Tamil Nadu Act 14 of 1982").



3. Even at the foremost the learned counsel for the petitioner submitted that though the Detaining Authority has very much relied on the Chemical Analysis Reports, which are available at pages 125 to 135 of the paper book and also specifically mentioned in Ground 3(c) of the Grounds of Detention, the translated copies were not supplied to the detenu, who knows Tamil language only. The said aspect is not in dispute. Considering the fact that the Detaining Authority has very much relied on the Chemical Analysis Report, it is but, proper on the part of the Authority to supply the translated Tamil version of those reports to the detenu in order to make effective representation, failure to do so, vitiates the impugned detention order and accordingly, the same is quashed; this petition is allowed. The order of detention impugned in the petition is set aside and the detenu is directed to be set at liberty forthwith from the custody unless he is required in connection with any other case.

Kh

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

To

1. The Secretary to Government
State of Tamil Nadu
Prohibition and Excise Department
Fort St. George, Chennai 9.
2. The District Magistrate and
District Collector
Coimbatore District.
3. The Superintendent
Central Prison, Coimbatore.
4. The Public Prosecutor
High Court, Madras.
5. Joint Secretary to Government
Public (Law and Order)
Fort Saint George, Chennai-9.

Order in
H.C.P.No.52 of 2006

AK(CO)
RVL 18.04.2006